

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION

TYRIS L. HARVEY, )  
Plaintiff, )  
vs. )  
BILL LEE, GOVERNOR OF THE STATE )  
OF TENNESSEE, et al., )  
Defendants. )  
3:22-CV-00039-DCLC-JEM

## ORDER

This matter is before the Court to consider the Report and Recommendation of United States Magistrate Judge Jill E. McCook [Doc. 7]. In the Report and Recommendation, the magistrate judge granted Plaintiff's application to proceed *in forma pauperis* [Doc. 1] but assessed a civil filing fee of \$350.00 because Plaintiff was an inmate at the Blount County Detention Center when he filed his complaint [Doc. 7]. However, Plaintiff has since been released from the Blount County Detention Center [*see* Doc. 8], thus the statutory provision in 28 U.S.C. § 1915(b) for assessing the filing fee out of Plaintiff's inmate trust account is no longer applicable.<sup>1</sup>

The clerk's office notified Plaintiff that he was required to notify the Clerk within 14 days of any change in address. The Clerk mailed to Plaintiff at his last known address the Report and Recommendation filed by the magistrate judge. The Blount County Jail has returned that to the Clerk advising that Plaintiff has been released from their custody. [Doc. 8]. The Clerk advised Plaintiff that failure to update the Clerk with his latest address "may result in dismissal of case...."

<sup>1</sup> Plaintiff would need to apply to proceed under the general *in forma pauperis* provision in 28 U.S.C. § 1915(a)(1). *McGore v. Wrigglesworth*, 114 F.3d 601, 612 (6th Cir. 1997) (overruled on other grounds by *Jones v. Bock*, 549 U.S. 199 (2007)); *Deblasio v. Gilmore*, 315 F.3d 396, 398-99 (4th Cir. 2003).

[Doc. 3]. It appears Plaintiff has not abided by the Court's order in this regard. Because Plaintiff has not kept the Clerk apprised of his address and the Orders of the Court are being returned as undeliverable, Plaintiff's case against Defendants is **DISMISSED WITHOUT PREJUDICE**. The clerk is directed to close the case.

**SO ORDERED:**

s/ Clifton L. Corker  
United States District Judge